IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 94 OF 2001

Smt. Sugarbai d/o. Lalu Shaikh ..Appellant

versus

Abdul Rajak Mashak Bagwan ..Respondent

Mr. M. R. Deshpande for the Appellant.

CORAM : D. G. DESHPANDE,J.

DATE : 21ST JULY,2005

P.C. :

1. Heard.

2. The plaintiff filed a suit that she should not be evicted from the premises. She was already evicted and new building was constructed thereupon. Consent of other relatives was obtained by the owners. Both the courts gave clear finding that the plaintiff has voluntarily surrendered possession and she had no receipts of payment of rent after 1988. The entire case and the evidence of the plaintiff was rejected by the court. There is no explanation why the plaintiff did not file the suit immediately after her eviction and obtained injunction against the respondent restraining from making any

construction and no explanation why she allowed construction to be completed. This clearly shows that the plaintiff is making false claim in respect of the suit premises after her near relatives gave consent for evicting the premises. There is no merit in this appeal. There is no substantial question of law involved. Appeal is dismissed.

21.7.2005 (D.G. DESHPANDE, J.)